

Accordingly, Applicants submit that the Leung reference has been properly antedated, and therefore the combination of Stern and Leung is inapplicable.

The Examiner also rejects claims 1-7, 10 and 11, asserting without proof that various control parameters on remote controls are obvious design choices to one skilled in the art. Applicants submit that various control parameters are not simply design choices, but are integral to operation of the invention. It is not obvious to use a remote control to create a program for a massage in a bathtub. There is not any prior art which claims a remote control with this function. Therefore, the functions claimed on the remote control are not obvious design choices.

Accordingly, Applicants submit that the Examiner's initial rejection of claims 1-7, 10 and 11 is overcome.

The Examiner rejected claims 8 and 9 under 35 U.S.C. § 103(a) as being unpatentable over Stern and Leung in further view of Voorlas (U.S. Patent No. 3,420,227). As previously discussed, Applicant submits that the Leung reference has been properly antedated, and therefore the combination of Stern and Leung in further view of Voorlas is inapplicable.

Accordingly, Applicants submit that the Examiner's initial rejection of claims 8 and 9 is overcome.

The Examiner rejected claims 12 and 13 under 35 U.S.C. § 103(a) as being unpatentable over Stern and Leung in further view of Gonzalez (U.S. Patent 6,357,061). Gonzalez was filed on December 14, 2000 and issued on March 19, 2002. Applicant submits herewith the above referenced declaration and exhibit under 35 U.S.C. § 1.131 signed by the applicants/inventors Roman S. Ferber and Stephen Chung to antedate Gonzalez (Tab A.) In the declaration, Messrs. Ferber and Chung state that the invention was reduced to practice prior to December 14, 2000. Exhibit A of the declaration supports Messrs. Ferber and

Chung's declaration. In particular, Exhibit A shows that the invention was reduced to practice prior to the critical date.

Accordingly, Applicants submit that both the Leung reference and the Gonzalez reference have been properly antedated, and therefore the combination of Stern and Leung in further view of Gonzalez is inapplicable.

Accordingly, Applicants submit that the Examiner's initial rejection of claims 12 and 13 is overcome.

The examiner rejected claims 14-25 under 35 U.S.C. § 103(a) as being unpatentable over Voorlas in further view of Rinaldo (U.S. Patent No. 6,114,002). The Examiner claims that it is obvious to incorporate foam blocks into the mat to provide additional comfort for the user. The Examiner, however, fails to take into account the different uses of the Portable Hygienic Mat claimed in Rinaldo and the bath mat claimed in the present invention. The Hygienic Mat in Rinaldo is only used to stand on after getting out of the shower or while changing. The mat is not designed to be fully submerged in the water. The bath mat as claimed is designed to be fully submerged in water. Furthermore, the holes in the bath mat let water enter the mat. The differences as to how the prior art product and the claimed invention are used require different considerations as to the foam inserts. Since the foam blocks are directly next to channels which may be full of water, they need to be completely sealed so that water will not come into contact with the foam. If the foam blocks in the claimed bath mat become wet, they would tend to dry extremely slowly or perhaps not at all, due to the layers of vinyl surrounding them. These are considerations that do not need to be taken into account with the Hygienic Mat of Rinaldo. Accordingly, Applicants submit that Rinaldo does not disclose or suggest the invention as claimed.

Accordingly, Applicants submit that the Examiner's initial rejection of claims 14-25 is overcome.

If the Examiner believes that a telephone conference will advance the prosecution of this application, such a conference with Applicant's attorney would be welcomed at the convenience of the Examiner.

For the foregoing reasons, Applicants believe the Office Action of May 7, 2002 has been fully responded to and requests reconsideration of the application. Consequently, in view of the above remarks, Applicant respectfully contends that the application is in condition for allowance. The examiner is respectfully requested to pass this case to issue.

Respectfully submitted,

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